

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

OPTIMORPHIX, INC.,
Plaintiff,

v.

CISCO SYSTEMS, INC.,
Defendant.

Civil Action No. 5:23-cv-126-RWS-JBB

JURY TRIAL DEMANDED

OPTIMORPHIX, INC.,
Plaintiff,

v.

**AMAZON.COM, INC. AND AMAZON WEB
SERVICES, INC.,**
Defendants.

Civil Action No. 5:23-cv-123-RWS-JBB

JURY TRIAL DEMANDED

OPTIMORPHIX, INC.,
Plaintiff,

v.

BROADCOM INC.,
Defendant.

Civil Action No. 5:23-cv-134-RWS-JBB

JURY TRIAL DEMANDED

OPTIMORPHIX, INC.,
Plaintiff,

v.

MICROSOFT CORPORATION,
Defendant.

Civil Action No. 5:23-cv-150-RWS-JBB

JURY TRIAL DEMANDED

OPTIMORPHIX, INC.,
Plaintiff,

v.

F5, INC.
Defendant.

Civil Action No. 5:24-cv-26-RWS-JBB

JURY TRIAL DEMANDED

**SECOND AGREED MOTION FOR CONTINUATION OF DEADLINES AND
SCHEDULING CONFERENCES**

COMES NOW, Plaintiff OptiMorphix, Inc., (“Plaintiff”), and files this Second Agreed Motion for Continuation of Deadlines and Scheduling Conferences and shows the Court as follows:

Plaintiff filed its Complaint in Civil Action Number 5:23-cv-126-RWS-JBB against Cisco Systems, Inc. on November 2, 2023. Cisco Systems, Inc. filed its Answer on January 8, 2024.

Plaintiff filed its Complaint in Civil Action Number 5:23-cv-123-RWS-JBB against Amazon.com, Inc. and Amazon Web Services, Inc. (collectively, “Amazon”) on October 23, 2023. Amazon filed a Motion to Dismiss on January 26, 2024. Plaintiff filed an Amended Complaint on February 16, 2024 that added Defendant Amazon.com Services LLC and filed a Response to the Motion to Dismiss on February 19, 2024. On February 28, 2024 this Court denied the Motion to Dismiss as moot and extended the deadline for Defendants to respond to the Amended Complaint up to and including April 29, 2024.

Plaintiff filed its Complaint in Civil Action Number 5:23-cv-134 RWS-JBB against Broadcom Inc. on November 20, 2023. Broadcom Inc. filed a Motion to Dismiss on January 26, 2024. Plaintiff filed an Amended Complaint and Response to the Motion to Dismiss of February 23, 2024. This Court denied the Motion to Dismiss as moot on March 4, 2024. Defendant’s response to the Amended Complaint is due March 8, 2024.

Plaintiff filed its Complaint against Microsoft Corporation on December 20, 2023. Microsoft Corporation’s deadline to respond to the Complaint is March 12, 2024.

Plaintiff filed its original Agreed Motion for Continuation of Deadlines and Scheduling Conferences in the four matters on February 2, 2024 and this Court granted the continuations on February 2, 2024.

Plaintiff has since filed its Complaint F5, Inc. (“F5”) on February 22, 2024. As pled in the Complaint against F5, the facts relating to the Court’s exercise of venue in that case arose in February 2024, thus precluding filing that case closer in time to the other cases addressed herein. Defendant F5, Inc.’s current deadline to respond to the Complaint is March 15, 2024.

All five cases share core legal and factual issues, including common asserted patents. Counsel for Plaintiff and for each of the Defendants (excluding F5, Inc., whose counsel has not appeared) have met and conferred, and agreed to request that the Court 1) set consolidated schedules for these cases at least through the *Markman* hearings, and 2) set a joint *Markman* hearing.

On February 2, 2024, the Court entered an Order stating it “will set a joint scheduling conference” to permit “all Parties to participate in the meet and confer process and propose a joint case schedule to the Court.” Case No. 5:23-cv-126, Dkt. No. 21. At the time of that Order, the Court stated the joint scheduling conference would occur after Defendant Microsoft Corporation’s March 12, 2024 deadline to respond to the Complaint in Case No. 5:23-cv-150. *Id.*

The Parties jointly (except F5, whose counsel has not yet appeared) request that the Court hold a joint scheduling conference with all Parties, including F5, and set a joint scheduling conference after F5 answers or otherwise responds to the Complaint. This will allow all Parties to participate in the meet and confer process and propose a joint case schedule to the Court.

Dated: March 7, 2024

Respectfully submitted,

/s/ Daniel P. Hipskind

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CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel for Plaintiff has met and conferred with counsel for Cisco Systems, Inc., Broadcom Inc., CA, Inc., Microsoft Corporation, Amazon.com, Inc., Amazon.com Services LLC, and Amazon Web Services, Inc., and this motion is agreed by all these Parties. Counsel for Plaintiff has not met and conferred with counsel for F5, Inc. as F5's counsel has not yet appeared in the case.

/s/ Daniel P. Hipskind